

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

In re

**DENNIS X. COLLINS and  
PATRICIA A. COLLINS,**

**Debtors**

Chapter 13

Case No. 03-17251-RS

**[ NOT FOR PUBLICATION ]**

**MEMORANDUM OF DECISION ON  
MOTION OF COUNTRYWIDE HOME LOANS, INC.  
TO STAY ORDER PENDING APPEAL**

Countrywide Home Loans, Inc. ("Countrywide") has moved for a stay pending appeal of this Court's order of April 6, 2006, insofar as that order required that Countrywide pay the sum of \$28,195.07 to the Debtors on or before April 20, 2006, and that a further sanction shall accrue in the amount of \$1,000.00 per day for each day thereafter that the forgoing sum remains unpaid. The Debtor opposes the motion.

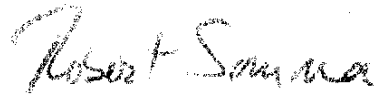
"To satisfy the standard for the issuance of a stay, the movant must establish that there is a strong likelihood of success on the merits of its appeal; that he will suffer irreparable harm if a stay is not granted; that the harm will outweigh any harm opposing parties will suffer if a stay is granted; and that the public interest would be furthered by the granting of a stay." *In re Power Recovery Systems, Inc.*, 950 F.2d 798, 804 n.31 (1st Cir. 1991). In support of its present motion, Countrywide has failed to address any of these four requirements. The appellant has failed even to state its basis for appeal.<sup>1</sup> The Court therefore finds no basis on which it could stay its order

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<sup>1</sup> This is consistent with Countrywide's failure to file a response to the motion for sanctions, despite the Court's having afforded Countrywide ample time to do so. It is likewise consistent with Countrywide's cavalier disregard throughout these proceedings of its obligations to the Debtors and to the Court. Given the deficiencies in the present motion and Countrywide's conduct throughout this case, I have no confidence that the present appeal is not frivolous and interposed only for delay.

and, accordingly, will enter a separate order denying the motion for stay.

Date: April 20, 2006



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Robert Somma  
United States Bankruptcy Judge

cc: Nina Parker, Esq., for Debtors  
William Amann, Esq., Countrywide Home Loans, Inc.  
Doreen Solomon, Esq., Chapter 13 Trustee